

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHLEEN MARIE THOMAS,

Plaintiff,

Case No. 12-14758
HON. GERSHWIN A. DRAIN

vs.

THE COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION [#17],
GRANTING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [#12],
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [#14], AND
REMANDING THE DECISION OF THE COMMISSIONER FOR FURTHER
ADMINISTRATIVE PROCEEDINGS**

This matter is before the Court on the parties' Cross-Motions for Summary Judgment as to Plaintiff Kathleen Marie Thomas's claim for judicial review of Defendant Commissioner of Social Security's ("the Commissioner") denial of her application for disability insurance benefits. The matter was referred to Magistrate Judge Laurie J. Michelson, who issued a Report and Recommendation on January 24, 2014, recommending that the Court grant in part Plaintiff's Motion for Summary Judgment, deny Defendant's Motion for Summary Judgment, and remand the decision of the Commissioner for further administrative proceedings. Magistrate Judge Michelson found that there was substantial evidence to refute the Administrative Law Judge's findings that Thomas's

impairments were not equal in severity to the Commissioner's listing criteria for spinal disorders and digestive disorders. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. See 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion. Therefore, the Court hereby ACCEPTS and ADOPTS Magistrate Judge Michelson's January 24, 2014 Report and Recommendation [#17] as this Court's findings of fact and conclusions of law. Plaintiff's Motion for Summary Judgment [#12] is GRANTED IN PART. Defendant's Motion for Summary Judgment [#14] is DENIED.

This cause of action is dismissed.

SO ORDERED.

Dated: February 21, 2014

/s/Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
February 21, 2014, by electronic and/or ordinary mail.

/s/ Tanya Bankston
Deputy Clerk